

Subject: Procedures to Follow Upon the Discovery of Unmarked Human Remains	Issuing Function: HCA	Number: 7a
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Affected Areas/Departments: Division of Historical and Cultural Affairs		Contact: Human Remains Specialist

PURPOSE:

This Standard Operating Procedure outlines guidance on the steps to be followed when there is reason to believe that unmarked human remains have been discovered; Pursuant to Title 7, Chapter 54 of the Delaware Code.

PROCESS:

If there is reason to believe that you may have discovered unmarked human remains, the Division of Historical and Cultural Affairs (Division) requests the following actions be taken immediately:

1. Stop Work in the Area of the Discovery. (Only archaeologists should attempt to clean around the discovery area and define the limits of same, if practical.) DO NOT ATTEMPT TO REMOVE REMAINS. (Construction or survey work may continue in areas not near the discovery location.)
2. Contact: Division's Human Remains Specialist (Specialist) at (302) 736-7400 for an immediate site inspection. This should be done within the hour of discovery. The Specialist is the Division's liaison to the State Medical Examiner's Office and the Unmarked Human Remains Committee. The Specialist is responsible for:
 - Coordinating with the Division Director on initial discoveries and recovery excavations;
 - Consulting with the Medical Examiner's Office;
 - Notifying the Unmarked Human Remains Committee if remains discovered are Native American and providing periodic updates as any field work progresses;
 - Providing a report on any discovery of Native American remains at Committee meetings;
 - Consulting on Osteological analysis and analyses of associated artifacts, if present;
 - For non-Native American remains, publishing Public Notices to identify Next-of-Kin;

- Developing treatment and disposition plans in coordination with the Division Director;
- Presenting treatment and disposition plans to Next-of-Kin and soliciting their comments and eventual approval;
- Overseeing the execution of the treatment and disposition plan.

3. The Division needs specific information to forward to the Medical Examiner's Office and, in the case of Native American remains, to the Unmarked Human Remains Committee. Upon the Specialist's arrival, please have the following information available if possible:

- Who discovered the remains? Person who made discovery and name of project contact person (if different). Provide name, address and phone number.
- Property Owner: Provide name, address and phone number.
- How were remains discovered? (Archaeological survey? During Construction?) Describe in detail the situation and conditions under which the discovery was made.
- Describe what was found. Bone? Artifacts? Features? and their relationship to each other.

4. Location Information: Provide a Sketch Map of the Location of the Discovery (in relationship to the immediate geographical setting) and a Sketch of the Remains in relationship to any pertinent artifacts or features (i.e. burial feature outline, hardware, grave goods, etc.) if photographs cannot provide a clear depiction of this relationship. (Time and circumstances may not allow for this to be generated before the Specialist's arrival. The Specialist will create these as part of the investigation).

5. Photo Documentation: Color Digital Photos, B/W photos and Color Slides must be taken of the initial discovery. The Specialist will take these upon arrival.

6. Upon assessment of the situation, a determination of appropriate further actions will be taken. This could range from continuation of excavation to halting all excavations until further notice is given by the Division. Work may resume in the area of the discovery *only after* approval has been given by the Division.

7. All unmarked human remains that are retrieved under the provisions of the Unmarked Humans Remains Law will undergo Osteological analysis. How this will occur will be determined by the Division. Likewise, associated artifacts may need to undergo analysis. The Division will make this determination on a case-by-case basis.

8. Treatment and Ultimate Disposition of Remains: a) If remains are Native American, the Unmarked Human Remains Committee will convene and render a decision. b) If remains are non-Native American, the Division will consult with any Next-of-Kin who come forward and with the agent responsible for the discovery to determine the appropriate and final treatment and disposition plan. When no Next-of-Kin is identified, the Division will determine the treatment and disposition plan. Consultation with the agent responsible for the discovery will be considered in rendering a final plan to determine treatment and disposition.